IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2201 OF 2005

Director of Art,
Government of Maharashtra ... Petitioner

V/s.

Deepak Harikisan Varma & Ors. ... Respondents

Mr.Solkar, AGP, for Petitioner
Mr.H.E. Palwe for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 22, 2005**

P.C.:

. The Petitioner challenges the impugned order whereby the Tribunal has granted reinstatement to the respondent since his services were illegally terminated without holding any enquiry. Reliance is placed by the learned Assistant Government Pleader on the provisions of section 4A of Maharashtra Employees of Private Schools Act to submit that the action taken against Respondent No.1 was initiated under that section. A perusal of that section would indicate that there must be an enquiry held by the management or enquiry committee and if the Director finds that the employee has been wrongly exonerated by the enquiry committee, the Director may take such action as is permissible in

law on a perusal of the proceedings before the enquiry committee. Admittedly, no enquiry was held by the management or the enquiry committee and, therefore, the Tribunal has rightly held that action taken by the Petitioner without such enquiry is illegal.

2. Various allegations have been made against Respondent No.1 regarding the mal practices in Art Master Certificate examination. The learned Assistant Government Pleader seeks liberty to hold an enquiry, if necessary into the said malpractices.

3. Without going into the allegations made, the Petition is rejected with liberty as prayed for.